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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,472	01/29/2004	Akira Yoshinaga	008312-0307912	3738

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PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN, VA 22102

EXAMINER

MOFFAT, JONATHAN

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2863

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/766,472	Applicant(s) YOSHINAGA ET AL.	
	Examiner JONATHAN MOFFAT	Art Unit 2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3 and 4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3 and 4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Applicant's amendments to the claims, filed 3/20/2008, are accepted and appreciated by the examiner.

Claim Objections

Claim 1 is objected to because of the following informalities: In claim 1, on the 9th line, the word "configured" should likely be replaced with "is configured".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1.

Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Riedel (US pat 5870698) in view of Tuszynski (US pat pub 20030176938).

With respect to claim 1, Riedel discloses a stand-alone (column 2 lines 39-43) apparatus comprising:

1) An input unit configured to receive an input including a state of an operating quality for a change in the operating condition (Fig 2 items 102 and 114).

2) A storage process unit configured to store information including history data including one or more of product data, mold numbers, resin material data or product molding conditions (Fig 5 items 432, 446 and 418 and column 2 lines 56-63) the history data indicative of the

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change in the operating condition and the state of the operating quality corresponding to the change (column 7 line 56 – column 8 line 30).

3) A display unit configured to display data (Fig 1 item 24) including the history data and the state of the operating quality (column 2 lines 56-63).

With respect to claim 4, Riedel discloses a stand-alone (column 2 lines 39-43) apparatus comprising:

1) A communication unit configured to communicate with a display device of an injection molding machine (Fig 3) operated in accordance with an operating condition through a communication medium (Fig 4 item 208).

2) A unit configured to receive data including history data including one or more of product data, mold numbers, resin material data or product molding conditions (Fig 5 items 432, 446 and 418 and column 2 lines 56-63) the history data indicative of a change in the operating condition and a state of an operating quality corresponding to the change in the operating condition from the display device using the communication unit (Fig 4 item 208).

3) A storage unit configured to store the history data (Fig 4 item 210).

4) Wherein the display unit (Fig 1 item 24) is configured to display data including the history data and the state of the operating quality resulting from the change in the operating condition (Fig 4 item 208 column 2 lines 56-63).

With respect to claims 1 and 4, Riedel fails to disclose that the storage process unit records data indicative of product identification data indicating a product produced by the injection molding machine, in accordance with the change in the operating condition and the history data corresponding to the product identification data.

Tuszynski teaches, with respect to claims 1 and 4, that the storage process unit records data indicative of product identification data indicating a product produced by the injection molding machine (paragraphs 0111 and 0166), in accordance with the change in the operating condition and the history data corresponding to the product identification data (paragraphs 0006, 0164 and 0166).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the apparatus of Riedel by correlating deviations in injection processes to the products produced as taught by Tuszynski. Riedel discloses independent configuration data for each mold type (column 2 lines 56-67 and column 8 lines 42-57) indicating the desire to control the molding process properties according to the item to be produced. Further, Riedel discloses storing history data including errors (changes and deviations from desired values) (column 7 line 57 - column 8 line 30). In reviewing these references together, one of ordinary skill in the art would understand that the properties and quality of the molded item are impacted by the properties and measured performance parameters of the injection molding process. One of ordinary skill in the art would find it both obvious and desirable to identify which specific items were produced under which conditions as a way to effect quality control over these items.

2.

Claims 1 and 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang (US pat 5461570) in view of Tuszynski (US pat pub 20030176938).

With respect to claim 1, Wang discloses an apparatus comprising:

1) An input unit configured to receive an input including a state of an operating quality for a change in the operating condition (Fig 1 items 11-20 and 22).

2) A storage process unit configured to store information including history data including one or more of product data, mold numbers, resin material data or product molding conditions (Figs 4b and 5b and column 2 lines 7-14 and lines 25-42) the history data indicative of the change in the operating condition and the state of the operating quality corresponding to the change (Fig 1 storage in item 100 and Figs 4b, 11, 13a-13b, 14-16a).

3) A display unit configured to display data (Fig 1 items 404 and 405) including the history data and the state of the operating quality (Figs 4b and 5b).

With respect to claim 3, Wang discloses that the history data and the product identification data are used for assisted software for assisting an operating condition setting operation (Figs 13a-b items 660 660' and figs 14-16b).

With respect to claim 4, Wang discloses an apparatus comprising:

1) A communication unit configured to communicate with a display device of an injection molding machine (Fig 20 and column 8 lines 55-67) operated in accordance with an operating condition through a communication medium (Fig 1 item 99).

2) A unit configured to receive data including history data including one or more of product data, mold numbers, resin material data or product molding conditions (Figs 4b and 5b and column 2 lines 7-14 and lines 25-42) the history data indicative of a change in the operating condition and a state of an operating quality corresponding to the change in the operating condition from the display device using the communication unit (Figs 1, 6 and column 8 lines 8-35). Specifically the supervisory subcomponents that request and collect data from other subcomponents.

3) A storage unit configured to store the history data (storage icon in the supervisor node Fig 1).

4) Wherein the display unit (Fig 20 and column 8 lines 55-67) is configured to display data including the history data and the state of the operating quality resulting from the change in the operating condition (Figs 4b and 5b and column 2 lines 7-14 and lines 25-42).

With respect to claims 1 and 4, Wang fails to disclose that the storage process unit records data indicative of product identification data indicating a product produced by the injection molding machine, in accordance with the change in the operating condition and the history data corresponding to the product identification data.

Tuszynski teaches, with respect to claims 1 and 4, that the storage process unit records data indicative of product identification data indicating a product produced by the injection molding machine (paragraphs 0111 and 0166), in accordance with the change in the operating condition and the history data corresponding to the product identification data (paragraphs 0006, 0164 and 0166).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the apparatus of Wang by correlating deviations in injection processes to the products produced as taught by Tuszynski. Wang discloses independent configuration data for each mold type (Fig 5b) and measured quality data for each molded item (Fig 4b) indicating the desire to control the molding process properties according to the item to be produced. Further, Wang discloses storing history data including defects in each molded item (Fig 4b). In reviewing these references together, one of ordinary skill in the art would understand that the properties and quality of the molded item are impacted by the properties and measured

performance parameters of the injection molding process. One of ordinary skill in the art would find it both obvious and desirable to identify which specific items were produced under which conditions as a way to effect quality control over these items.

Response to Arguments

Applicant's arguments filed 3/20/2008 have been fully considered but they are not persuasive.

On page 5 of the response, applicant argues that reference Riedel is an “externally affixable” device. The examiner points out that no language of the claim dis-includes this, and this feature actually speaks to the language of “stand alone” which does appear in the preamble to the claim.

Applicant further argues that item 24 in figure 1 of Riedel is not an input unit and is in fact a display. The examiner agrees with this statement, but disagrees that it was ever asserted that item 24 was an input unit. Looking back to the previous office action, page 2, item 24 in figure 1 is specifically called out as a display while items 102 and 114 of figure 2 are noted as being input components.

On page 6 of the response, the applicant argues that reference Wang fails to disclose a “stand alone” device. Applicant points to the fact that the device of Wang is one of many similar devices as evidence of this. Firstly, the examiner points out that the language “stand alone” appears only in the preamble and is not a proper limitation on structure. However, this is moot as Wang does disclose a stand alone device. The fact that the device in Wang is one of many does not affect this fact since the cited component operates independently of these other identical

components (in a modular design architecture). As an example, although many computers may be connected to the same internet, each computer is a stand alone device.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JONATHAN MOFFAT whose telephone number is (571)272-2255. The examiner can normally be reached on Mon-Fri, from 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/jm/

JM

5/5/2008

/Bryan Bui/

Primary Examiner, Art Unit 2863